

substantial part of the events giving rise to the claim occurred within the Southern District of Texas, and deny, or lack knowledge or information sufficient to form a belief as to the truth of, the rest of the paragraph.

- 1.3 Deny.
- 1.4 Admit that generators manufactured by POWER PRODUCTS are routinely sold in Texas, but deny the rest of the paragraph.
- 1.5 Admit that POWER PRODUCTS markets and sells generators within the Southern District of Texas; admit the Court's exercise of personal jurisdiction over POWER PRODUCTS in this case comports with due process; but deny the rest of the paragraph.
- 1.6 Admit that POWER PRODUCTS is deemed to reside in the Southern District of Texas for venue purposes in this case only, in accordance with 28 U.S.C. § 1391(c)(2) and admit that BRIGGS & STRATTON has defended one or more lawsuits in Texas; but deny the rest of the paragraph.
- 2.1 Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.
- 2.2 Deny that BRIGGS was and is in the business of designing, manufacturing, marketing, promoting, advertising and selling generators; are without knowledge or information sufficient to form a belief as to the truth of the allegation that Briggs derives "substantial" revenues from Texas; and admit the remaining allegations in the paragraph.
- 2.3 Deny that POWER PRODUCTS has any subsidiaries, but admit the remaining

allegations in the paragraph.

2.4 Admit only that the complaint refers to both defendants as “BRIGGS AND STRATTON”, but deny the rest of the allegations in the paragraph.

3.1 Defendants lack knowledge or information sufficient to form a belief about the truth of these allegations.

3.2 Defendants admit only that the generator identified in paragraph 3.1 of the complaint did not have a ground-fault circuit interrupter, deny that the generator is defective in design (or otherwise) and unreasonably dangerous, and are without knowledge or information sufficient to form a belief about the truth of the other allegations in the paragraph.

3.3 Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3.3 given the way they are stated.

3.4 Deny.

3.5 Deny.

4.1 Deny as to BRIGGS but, upon information and belief, admit as to POWER PRODUCTS.

4.2 Deny as to BRIGGS, admit as to POWER PRODUCTS.

4.3 Deny.

4.4 Deny.

4.5 Deny.

4.6 Deny.

4.7 Deny.

4.8 Deny.

4.9 Deny.

5.1 Deny.

6.1 Deny.

6.2 Deny.

6.3 Deny.

7.1 Deny.

7.2 Admit.

8.1 Deny.

8.2 Deny.

8.3 As this is a claim for relief, no response is required.

9.1 As this is a claim for relief, no response is required.

10.2 As this is a request for jury trial, no response is required.

II.

AFFIRMATIVE DEFENSES

The occurrence made the basis of this suit was the result of an unavoidable accident.

The occurrence made the basis of this suit was the sole proximate result of the negligent conduct of third persons in no way connected with these Defendants.

The occurrence made the basis of this suit was the result of misuse of the product in question.

In connection with the occurrence made the basis of this suit, the Plaintiff's

decedent, Luis Lerma, was contributorily negligent and/or assumed the risk.

WHEREFORE, PREMISES CONSIDERED, BRIGGS & STRATTON CORPORATION and BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC, Defendants in the above-entitled and numbered cause, pray that the Court enter Final Judgment that Plaintiffs, BRENDA LERMA, INDIVIDUALLY, AS NEXT FRIEND OF J.L. AND D.L., AND AS REPRESENTATIVE OF THE ESTATE OF LUIS LERMA; FOR AND ON BEHALF OF ALL THOSE ENTITLED TO RECOVER FOR HIS DEATH UNDER THE TEXAS WRONGFUL DEATH AND SURVIVAL ACTS take nothing of and by this suit, and that Defendants, BRIGGS & STRATTON CORPORATION and BRIGGS & STRATTON POWER PRODUCTS GROUP, LLC, be discharged and hence without delay, with their costs, and for such other and further relief to which they may show themselves justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record by the method indicated below on this the 7th day of January, 2013.

s/ Michael G. Terry
MICHAEL G. TERRY

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